Story of Santiago Just After it Had Been Captued.

THE DEATH-RATE WAS HIGH.

It Averaged Something Over 150 Persons a Day, Many American Soldiers Being Among the Unfortunates

"They have had a pretty scary time with the fever at Santiago this year, I'll admit." said the ex-captain of immunes, "but it policing the town right away, although party of Kickapoo bucks. That was a job which soldiers who had been under army discipline for twenty years would mostly in the hospital, however, and we they never eatied us anything else. One of the correspondents having learned the capacity of some of our men for that villainous native rain and the several different varieties of blazes they used to raise after falling under its influence dubled us 'Hood's Communes,' and the name stuck. Moreover it was applied to all of the other so-called immunes regiments as fast as they landed.

AWFUL DEATH RATE.

"When we struck Santiago the death rate averaged something the 15s a day, not counting the United States soldiers who had taken part in the campaign.

not counting the United States solders who had taken part in the campaign. There were so many deaths every day that the cemetery force, which had been vastly increased, wasn't large enough to bury them, and General Wood had to hurn the bodies. He didn't burn any American the bodies to be the country than the country them.

"HENRY CLAYS."

"James sat at one end of the table, blowing big clouds of blue snoke ceilingward
from a long, wiry, black, rank cheroot,
which after the fashion of most Cuban
cheroots, good, bad and indifferent, was
called a Henry Clay." Mason, the English consul, who had been with Ramisden
for twenty years and who had taken Ramis
den's place when the poor follow wont den's piace when the poor follow we over to Kingston to die from the effect of a fever he caught, while helping unfortunate people in the town durithe pilgrimage to Caney, caused by Shi ter's threat to shell Toral into surrende mg, was handles again. ing things closely. Mason was tri-to get the hang of the game, which entirely new to him. James had playe the game up in his travels and playe come in New York to see the scrapilla, and had secured a comfortable staff blact sat opposite James at the other end of the table. The other players were another couple of captains of immunes and myself the representatives of a bunch of New

the representatives of a bunch of New York Phianthropists who had raised a fund to establish in Santiago a plant of crowded hospitals and the Spanish agent of an American line of ships.

"We were all senoling 'Henry Clays,' and between deals imbibing villations Baoordi rum in open and flagrant violation of the orders from the palace. There was nothing else to drink. The club's stock of brandy had long since given out under the abnormal consumption since the gurrender.

CON'S CONCERT.

"There was a concert going on in the other end of the room in which Cox, who was in town lossing after the interests of an Agerican mining syndicate which had big investments and valuable property at Dalquiri, was the central figure. Cox was at the plano of ancient French make stoging Kipling's songs, negro molodies, improvised odes to Anglo-Saxon unity, and playing his own accompaniments. His audience, which was made up of about the same variety of elements as ours was joining in the choruses. Cox was a spell-binder when he sait down to that plano. He had a fine voice and an inimitable way of putting character into his songs, thevalter himself was not superior to him when it came to singing coster songs. CON'S CONCERT. way of putting character into his songs. Chevaller himself was not superior to him when it came to singing coster songs. He did it as well as he had looked after the interests of his company during the three years in which the Cubans and Spaniards had been engaged in the cheerful occupation of cutting each other's throats, which is saying a good deal, for he was a master of the diplomatic game. Cox was in Santiago province all through the insurrection. Sometimes he was in town hohnobbing with the Spaniards, but quite as often in the Cuban camps in the fills. His skin was impervious to the fevers which struck other people down. The Americans had hardly got settled before he was as popular with them as he had been with the Spanish and Cuban officers whom he used by turns to entertain at the mining company's beautiful place on one of the picturesque hills overlook, ing the bay about three miles south of Santiago on the old Morro trail. Cox managed his situations well, and there were no embarrassing denouements. The Spaniards never dropped in on him while the Cubans were drinking his company's good Burkundy, and suoking his company's good Burkundy, and suoking his company's Henry Clays, and the Cubans not to be outdone in politoness, had business elsewhere when he was entertaining the Spaniards. This all rost money, but the game was worth the candle. Cuban mining property is valuable. You don't have to sink deep shafts and dig tunnels to get the metal. The ore crops right out of the mountain side in vains which a man who knows a little about geology can follow and Il you have to do is build an arrow-gauge railroad in from the sea to the place where you want to begin work, pile the where you want to begin work, pile the where you want to begin work, pile the gauge railroad in from the sea to the place where you want to begin work, pile the ore in cars and run it down to the ships. Cox's company had built such a road and Cox had protected it. At the end of the three years' strife the property was all there. The road was hidden by a tropical jungle, the rails, the cars and the machinthere. The road was hidden by a tropical jungle. The road was hidden by a tropical jungle, the rails, the cars and the machinery were a bit rusty, perhaps, and the houses were a bit flingle the rails, the cars and the machinery houses were a bit dilapidated, but nothing had been broken up, although the machinery in other estates all through the plantation bouse destroyed by marching parties of first on one side and then the other. The Cuban mining laborers found things when they returned from the hills.

Titual of the Episcopal Church in the absence of a regular preacher, broke down before be had finished the first sentence and inished the first sentence and inished the first sentence of a regular preacher, broke down before be had finished the first sentence absence of a regular preacher, broke down before be had finished the first sentence and finished the first sentence of a regular preacher, broke down before be had finished the first sentence and in finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of a regular preacher, broke down before be had finished the first sentence of try subsequent for rychers of said thester, shall be owner or complete. Charles Franklin Ray, of Richmond, on east side of Tenth street, ISI for the Light street \$1.750.

Charles Franklin Ray, of Richmond, for whites from Richmond.

Discharged in Bankruptcy.

Charles Franklin Ray, of Richmond.

Molle C. Larus to H. L. Cabell, 19 feet on orth side of Bacon stre



W. L. DOUGLAS SHDE CO., No. 623 E. Broad St.

"'I'm afraid so, said Mason, Then the

in those days. We win had been massing and playing Loker with him at the club felt that it was up to us to do something out of the ordinary. We followed the body to the cemetery in which they buried for eigners, because the Archbishop never allowed burying of heretics in the Catholic cemeteries. There are about two hundred these in the cemetery, the had completely the content of the cemetery.

after the Stars and Stripes was holated over the palace, prefix much as they had left them three years before, when they threw up their jobs to follow the fortunes of the brothers Macco.

"As I was saying, when Cox took his seat at the plane everybody within carbot every the solve of the Stripe was fine every the solve of the Stripe was fine every the solve of the Stripe was fine and solve the chaplain of the British warship Niche every the solve of the Stripe was Capital Free every the solve of the solve of the correspondent who had read the service. I have heard since the chaplain of the British warship Niche

American Club that night because Cox was away, but the poker game went on the same as ever."-New York Sun.

FALL WEDDINGS

Two Young Couples United in the

Two Young Couples Crited in the Presence of Friends.

Dr. William A. Williamson, of Michigan, and Miss Rese Margaret Moss were married Thesday moraling at 19:39 o'clock at the residence of the bride's mother. No. 309 north Twenty-fifth street. Rev. Dr. Goodwin, of St. John's church, performing the exceptions.

ing the ceremony.

The bride, who is a very petite and pretty blonde, was gowned in a very becoming dress of whit organities over silk, and carried a bouquet of white carna-

and carried a bouquet of white carnations. She was given away by her
brother, Mr. Fred, T. Mosa,
After the ceremony the couple left for
Weshington, D. C. After spending a short
time there they will proceed by easy
stages to the bridegroom's home.
Mrs. Wilkinson has been a resident of
Richmond for about five years, coming to
America shortly before from Gloucestershire. England.

is south Laurel street, e parlors had been prettily decorated the accession and formed a striking are as the young couple stood before

The ceremony was performed by the ceremony was performed by the cev. Geo. E. Booker, pastor of the Fair-tount M. E. church. The bride wore chite organide and carried bride's roses, and was accompanied by Miss Maggle Whitman as maid of horor. The best can was Mr. M. J. Tsylor.

GIVEN FIVE YEARS.

A Small Burglar's Sentence-Liquor License Violations.

ounty Court was occupied yester-rning with the case of Wilton colored, charged with breaking

James Lewis tried Robert

dis harged.

'Squire Richardson had several persons before him Tuesday charged with seliing liquor on Sunday. Mr. Minigen, of Faisfield, charged with the fourth offence of this kind, was fined \$10. Mr. Donail, of Twenty-sixth street, charged with the same offence, was fined \$10. A warrant was served on J. H. Mc. Denough, of O'Nells charging him with selling liquor on Sunday. This is the same place which has been kept by the same place which has been kept by the CNells for a number of years. The li-

BABY RUSSELL.

Many Visitors Call to See Her at the Aimshouse,

dark whie-open eyes and black hair of the finest toxture. She is admired, fondled and petted, and spotted, pampered and indulged as becomes her romantic existence and childish graces. The men at the almshouse envy the female inmates, for the latter, in apartments of their own, monopalize little Pauline, who is yet too young to receive the attentions of genilemen.

men.

Mrs. Davis, wife of the superintendent, takes a great interest in the pretty founding, and Mrs. Winn, the matron, looks after the little one with zealous care. Among the women at the institution, many of whom are aged and childless, the baby is a universal test.

baby is a universal pet. In three weeks Baby Russell has had mathogany many callers—more, perhaps than any grown up belle in the city. On Sundays, especially, numbers of people, the majority of whom are ladies, visit the almshouse, and all must admire and pet the in-

teresting little wait.

The mystery of Pauline Russell's parentage is still unsolved. That question will probably never be answered. That the parents were above the average in education and taste was evidenced by the beaution and taste was evidenced by the beaution. tiful handwriting on the card which bere the child's name and by the costly apparel in which the infant was arrayed.

VALUABLE ORE.

Specimens From Scott and Fauquier

Counties Pan Out Well. comoteries. There are about two hundred graves in the cometery, including the trench, in which are the fifty-one Americans who were with Captain Frye on the Virginius expedition and were shot there by order of the Spanish authorities more than twenty-five years before our arrival. We had to pass the old buil ring in which Captain Frye and his men were shot. Moson pointed it out to us. SIMPLE CEREMONY.

"The ceremony was simple, but we could nt carry out our original programme. Mason, who had been elected to read the ritual of the Episcopal Church in the absence of a regular preacher, broke down before he had suither the comment of Agriculture has had assayed two specimens of cres that seem assayed two specimens of cres that seem to indicate very valuable deposits of min.

The Department of Agriculture has had assayed two specimens of ores that seem to indicate very valuable deposits of min.

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The trip of the committee to Nebraska has been postponed a few days owning to sickness of one of the metallic tron.

The trip of the committee to Nebraska has been postponed a few days owning to sickness of one of the metallic tron.

The trip of the committee to Nebraska has been postpo The Department of Agriculture has had

AUCTION SALES. This Day.

By J. D. Carneal, Real Estate Auctioneer, No. 1106 east Main street.

TRUSTEE'S AUCTION SALE BARTON HEIGHTS OF A Comfortable Dwelling,

WITH LARGE LOT ATTACHED. By virtue of a certain deed of trust dated July 7, 1897, and recorded in Heirico County Court cerk's office, in Deed Book LS B, page 411, detault having been made in the payment of the debt secure thereby, and having been required by the beneficiary therein so to do, I will, on THILBRAY COUNTY 1899. THURSDAY SEPTEMPER 21. 1839, at 5 o clock P. M., on the premises, proceed to seel, at public auction, the property conveyed therein-wiz. All those TWO LOTS OF LAND, with the improvements thereon, in the county of Henrico, Va., being Nos. 17 and 18 in Block No. 2, in James H. Bagton's Vladuct Said-Division, each fronting on the west side of Summit street to feet.

This property is within a short distance of the electric car, and a very quiet and delightful place to dwell. The imprevements consist of a seven-room dwelling, also a large stable, and all necessary our with moderate means.

TEEMS: Cash sufficient to man, all documents of the second of the se

with moderate means.

TERMS: Cash sufficient to pay all costs of the sale, all taxes to day of sale, and a debt of \$1000.58, and balance at one and two years, for notes, with interest added, and secured by deed of trus.

JAMES LEWIS ANDERISON.

AUCTION SALE ** - Future Days.

Real Estate Agents and Auctioneers, SII Main street.

TRUSTEE'S SALE OF THE DESIRABLE

2-Story and Basement Dwelling No. 1119 Chaffin Street.

By virtue of the provisions of a certain leed of trust, dated January 18, 1803, and precord in the clerk's office of Richmon Chancery Court, D. B. 147 E. page 48, tefault having been made in the paymen

C. L. & H. L. Denoon, Auctioneers, soll J. B. Eliam & Co., Real Estate Auctioneers.

T RUSTEE'S SALE

Two-Story Frame Dwellings, Nos. III7 and III9 North First Street.

thereof, I will sell at public auction on the premises on TUERDAY, THE 25TH DAY OF SEP-TEMBER, 189, AT 5 O'CLOCK P. M., the above farm, containing is acres, fronting on the Warwick road hear the Broad Rock Road, and adjoining the lands of Mrs. Cella Campbell, George Campbell, and others. Land is rich, lies well and in a very uttractive neighbor-

TERMS: Cash sufficient to pay cost of executing this trust, taxes, and to pay the said note of £22, together will interest thereon from May 12, 1899. The balance upon such terms as will be announced at the saie.

A. L. ADAMSON, Trustee.

FINANCIAL.

The Washington Savings and Loan Association.

1112 EAST MAIN STREET. Books open for subscription to Special

Amounts from 25 cents upwards received; pays depositor interest at the rate of 4 per cent. per annum. 9 A. M. to 5 P. M.

Saturday 9 A. M. to 7:30 P. M. JOSEPH W. BLANTON, President ADELBERT G. BOTTS.

Allison's exors, 125 6-12 feet on Main Birect, southeast corner of Elighth street, 531,500. Thomas E. Stagg and wife to E. D. Starke, trustee for children of E. D. and Starke, trustee for children of E. D. and Susie D. Starke, 40 feet on north side of Floyd avenue, 150 feet east of Harvie Hattle C. and W. J. Whitehurst to E.

L. Capell, 19 feet on north side of Bacon street, 149 6-12 feet east of St. James, \$200 Henrico-Wm. C. Christian's trustee Pritz Stiterding, 35 feet on a street 30 feet wide, 66 feet west of New North road, \$255. wide, 66 feet west of New North Fold, Man.
J. G. Blackburn and wife to James P.
Mailory, 61 acres near Tignors, about eight
miles from Richmond, 550.
Lucy Ann Meredith to Klity D. Rose,
56 feet on west side of Twenty-sixth street,
between S and T streets, 3750.
G. D. Pearman to Burley Trent, 20 feet
on Problems street, 136 feet east of Pro-

on Brookland street, 119 feet east of Din-neen street, 550. C. R. Shields to H. D. Hildebrand, 894.

acres on Wilton road, about four miles from Richmond, \$1.

C. R. Shields to H. D. Hildebrand life estate in 28 acres near Wilton road about four miles from Richmond, in exchange for house and lot in Richmond.

BROAD- AUDITORIUM (Week SEPT. 18TH

RETURN OF THE FAVORITES.

Dan Packard Opera Co.

MATINEES: WEDNESDAY AND SATURDAY AT 3 P. M. Monday and Tuesday and Wednesday Matinee,

H. M. S. PINAFORE. Wednesday and Thursday,

THE BOHEMIAN GIRL

Friday and Saturday and Saturday Matinee,

WAY COMPANY TO CONSTRUCT A TRACK FROM ITS PRESENT TER-

MINUS, ON CARY STREET BE-TWEEN TWENTY-THIRD AND TWENTY-FOURTH STREETS, TO CARY AND EIGHTEENTH STREETS.

Be it ordained by the Council of the cit of Richmond, That permission is, and the same is hereby granted the Southers Railway Company, a corporation, to construct, on which may be operated with all

AN ORDINANCE (APPROVED SET TEMBER IS, 1809) TO PREVENT THE OWNERS OR OTHER PERSON FROM PERMITTING THEIR DOMES

TIC FOWLS OFFISE PIGS COWS AND OTHER ANDMALS TO DEPRE DATE OR GO AT LARGE UPON THE

PUBLIC PARKS AND CEMETERIES

AN ORDINANCE CAPPROVED SEP

MORDINANCE CAPTROLES SET 18 AND S

FRANKLIN STREETS.

THE TWO VAGABONDS. Prices: Admission, 15c; Reserved Seats, 10c additional; Gatlery, 10c; Matinee, 10c

THE HOME OF VAUDEVILLE. B.-AN ORDINANCE (APPROVED SEP-TEMBER 15, 1869 GRANTING PER-MISSION TO THE SOUTHERN RAIL.

Reached by all Cars of the Richmond Rail-

WEEK OF SEPT. 18TH. Another Bunch of Daisies.

Special Engagement of Mr. Leo Carle, The World Famous Rapid Change Artist.

Prof. Allienis' Performing Monkeys, A Rare Treat for Ladies and Children

The Metropolitan Three, In an Act New in Vaudeville.

AS Gaylor and Graff, TINY. Novel and Attractive Specialties. Ada Jones,

The Talented Vocalist. Performance Every Night at 8:45

Matinee: Saturday at 4:30 P. M.

ADMISSION, 10c \$ casasasasasasasasasasasa

NEW ACADEMY OF MUSIC. Priday and Saturday and Saturday Matinee,

THE MYSTERIOUS MR. BUGLE, Prices, Sic. to St. Matince, Mc. to Mc.

The Valentine Museum ELEVENTH AND CLAY STREETS. Open daily from 10 A. M. to 5 P. M. Admission 25 cents. Free on Saturdays.

The Confederate Museum

TWELFTH AND CLAY STREETS.
Open daily from 9 A. M. to 5 P. M.
Admission, 26 cents. Free on Saturlays. del3-ly

BANK -TATEMENTS.

DIME SAVINGS BANK AT RICHMOND, IN THE COMMONWEALTH OF VIRGINIA, AT THE CLOSE OF BUSINESS, SEPTEMBER 7, 1889, MADE TO THE AUDITOR OF PUB-

State of Virginia, city of Richmond-ss. I. J. H. Southall, eashier of the above named bank, do solemnly swear that the above statement is true, to the best of my knowledge and belief. J. H. SOUTHALL, Cashier.

Subscribed and sworn to before me, this 20th day of September, 1869 GEO, E. SAVILLE, Notary Public.

S. G. FAIRBANK.

SEALED PROPOSALS .

Commonwealth of Virginia. Office of Superintendent of Public Printing,
Richmond, Va., Sept. 2, 1800.
SEALED PROPOSALS WILL BE RE

SEALED PROPOSALS WILL BE Received at this office until 12 M of THUHSDAY, September 21, 1896, for the Printing, Binding, Ruling, etc., for the State of Virginia for one year from October 1, 1898. Printed schedules showing in detail the classifications will be furnished on application to bidders, on which all bids will be required to be made contractors will be required to enter into bonds, with security, to be approved by the Secretary of the Common wealth, for the prompt and faithful execution of their contracts. The right is reserved of rejecting any or all bids, and the work will be awarded in such lots or portions as the Superintendent may deem proper.

At the same time and place bids will be received for furnishing the following papers for the use of the Common-wealth: 650 Rms. 21x38 50-lb. No. 1 M. F. Book. 215 Rms. 26x36 50-lb. E. S. Flat Writ-

ing. 82 Rms. 26x36 70-lb. No. 2 Ledger

82 Rms. 20x20 10-10, No. 2 Ledger 80ck.
75 Rms. 17x28 32-15 Plat.
75 Rms. 17x28 32-15 Plat.
76 ledgers will furnish samples. Paper to be delivered in store-room without charge for freight or drayage.

J. H. O BANNON, se3 Supt. of Public Printing.

FOR SALE.

ner and materials of construction it shall be constructed subject to the approval of the City Engineer.

It has permission hereby granted shall at any time be subject to any amendment or revocation by the City Council. Upon a revocation by the City Council. Upon a revocation or amendment of said permission, the Southern Theatre Company, or any subsequent owner or owners of said theatre, shall immediately conform to such amendment or revocation.

4 The said permission is given subject to the condition that the Southern Theatre Company, or any subsequent owner or owners of said theatre, will indemnify, teimburse and save harmiess the city of Eichmond for any charges, damages or costs that the said city may be required to pay by reason of any person being injured or demaged in any way in property or person by said covered-way.

A For a failure to conform faily to the previsions of this ordinance, or any amendment or revocation thereof, or any requirement made thereunder, the Southern Theatre Company, or any subsequent owner or owners of said theatre, shall be liable to a fine of not less than ten nor more than one hundred dollars; each day's failure to be a separate offence.

6 All ordinances or parts of ordinances of All ordinances of parts of ordinances. FOR SALE-ONE BAY HORSE, KIND and sentle, good mover and work to anything. Apply at 1909 Ashland street, corner of Washington. sell PREPARE FOR WINTER.

WANTED. THE PUBLIC TO KNOW that I am still at the Shockoe Cemetery, and have been every since the war I am prepared to take orders for rusting, filling, and turning graves at the very lowest price. Addits graves turned for 50 cents. Children's Ze, Baising and filling. Scents extra. Call or write to WM. WYATT, 1813 north Fourth St.

GUNS AND BICYCLES SPRTING GOODS of all kinds. There has been nothing heretofore offered or now offered that can present equal value with our line. We are authorized to 180 the season on Bicycles. The Feature, atone, at \$19.50 cash. This is our conference on warranted HARRIS HARD, WARE CO. 408 cast Broad street, Richmond, Va.

HELP WANTED-Female

BANKERS AND BROKERS. Largest Capital of the Bank or Trust Cumpa-

AND

Safe Deposit Company. Northwest Corner 10th and Main St. RICHMOND, VA.

GAPITAL, - - \$1,000,000 Deposits received and interest allowed on all daily balances.

President - - - John Skelton Williams Vice-Presidents - { James H. Dooley Frank A. Davemport Sec'y and Treas, Henry Landon Cabell

Tenth and Main Streets.

HOMAS N. CARTER, President:

RICHMOND, VA.

Surplus. \$240,000 JOHN S. ELLETT, WILLIAM, M. HILL, Cashier. President

Directors: Alexander Cameron, John S Ellett, T. C. Williams, Jr., Granville G. Valentine, James D. Crump, John R. son, J. L. Antrim.

FOR SALE. Norfolk and Western General Mortgage 4's. Atlantic Coast Line Railroad Company o

Virginia Class "B" Stock. Charleston and Western Carolina firsts. SCOTT & STRINGFELLOW

Bankers and Brokers, Members New York Stock Exchange,

102East Main Street, - Richmond, Va C. W. BRANCH & CO.,

STATE BANK BUILDING. BANKERS AND BROKERS Private wires New York, Chicago and all principal trade centres. oc2-6t

LEGAL NOTICES.

VIRGINIA-IN THE LAW AND RICHMOND, THE 16TH DAY OF SECTIONS. The Lite Insurance Company of Vi-

J. H. Ware, Jr...... Defendan (Upon an attachment returned executed

(Upon an attachment returned executed)
The object of this suit is to recover of
the defendant the sum of seven hundred
dollars, with interest therein from the
lith day of September, 180a till baid, suiject, however, to a credit of \$12 th, as of
July 18, 1890
And similarly having been made and
filled that the said defendant is a non-resident of this State, and has estate of donowing to said defendant within the city
of Richmond, it is ordered that the city
of Richmond, it is ordered that the city
of Richmond, it is ordered that the
and do what is necessary to protect his
interests in this suit.

A copy—Teste:

P. P. WINSTON, Clerk,
Coke & Pickrell, p. 4.

James Henry Bull. IN CHANCERY.

the plaintiff an absolute divorce from the bonds of matrim-my and the sustolly of Paney Pall, an infant child of James Henry and Martha Ball. And mon affidavit filed that the defendant, James Henry Rail, is a non-resident of the State of Virginia. It is ordered that he do appear here within aftern days after due publication hereof and protect his interests herein.

Teste: JOHN E. BROADDUS, Clerk. A copy—Teste: augil JOHN E. BROADDUS, Clerk.

FOUL CHIMNEYS are constant sources of danger from fire and annoyance from soot and smoke. You can have these evils promptly and effectually remedied by leaving your orders at N. P. COFER'S, 520 east Broad street, Both 'Phones. gel2'

FOR RENT.

Il 7 east Cary street, 12 rooms, all modern improvements, in good order. R. B. CHAFFIN & CO. Inc.

I N THE CHROUT COURT OF HEN ALCO COUNTY, IN VACATION ACGUST 30, 1800:
Martha Hall, who sues by &c.,